

March 9, 2010

The Honorable Lee Hamilton, Co-Chair
General Brent Scowcroft, Co-Chair
Blue Ribbon Commission on America's Nuclear Future
U.S. Department of Energy
Washington, DC

Dear Mr. Hamilton and Gen. Scowcroft:

First, thank you for accepting leadership positions on the Blue Ribbon Commission on America's Nuclear Future. We are pleased with your appointments, and with the membership of the Commission. We are writing to encourage the Commission to include structured public participation as a component of its charter.

President Obama's memo establishing the Commission noted that it should comprise "experts with a range of disciplines and perspectives ... and may include participation by appropriate Federal officials." The President also charged the Commission to conduct its business in an "open and transparent manner." However, he did not explicitly identify public participation as a requirement. FACA requires only that meetings, by and large, be open to the public. Section 3(f) of the Commission's charter lists as an objective "ensur[ing] that decisions....are open and transparent, with broad participation." Section 9 provides that "interested persons may attend meetings of, and file comments with, the Commission, and ... may appear before the Commission."

It is our position that for the Commission's advice and recommendations to be accepted by the public, public participation must be integral to the Commission's deliberations and that can be achieved only by public representation on the Commission. The public, as taxpayers or ratepayers or both, will bear the costs of nuclear waste transport, treatment, storage and disposal. Also, we submit to you that citizens of states currently hosting nuclear materials and waste, and states that may ultimately receive them have a legitimate stake in your recommendations.

Public participation in decisions regarding nuclear materials has precedent. For example, the EU is developing a method (RISCOM II) to enhance transparency and public participation in nuclear waste management. RISCOM II acknowledges the need to provide evidence to stakeholders that their concerns have influenced the outcome, and the need of technical experts to cede some control of the process to non-technical participants. Sweden used these techniques during their process to select a host town for its nuclear waste repository.

However, the Commission does not have to look as far as Europe for good public participation models. The National Academies has studied successful and unsuccessful public participation programs. One study, *Public Participation in Environmental Assessment and Decision Making* (T. Dietz and P.C. Stern, eds; National Academies Press, 2008) noted that proponents of public participation believe that people who must live with the outcome of an environmental decision should have some influence on it. On the

other hand, critics of public participation are concerned that it slows decision making and could lower the quality of the decision by including people unfamiliar with the science involved. The NAS study concluded however, that, "when done correctly, public participation improves the quality of federal agencies' decisions about the environment."

We have witnessed the effectiveness of good public participation in the decision-making process at DOE's Savannah River Site (SRS), in South Carolina, and agree with the NAS conclusions. For more than a decade DOE's Office of Environmental Management has sponsored Site-Specific Advisory Boards (SSAB) at the major DOE defense sites. The successful closures of Rocky Flats and Fernald can be attributed in part to the collaboration between DOE and the public, through the local SSABs, in setting strategic goals at each site. Initially the relationship between DOE, the regulatory agencies, and local citizens was one of distrust and antipathy. Ultimately DOE, the regulators, and the local citizens worked together to develop achievable and cost-effective solutions that were supported by the participants. Our experience at SRS has been similar; citizen participation results in better and quicker decisions that are accepted by the larger public.

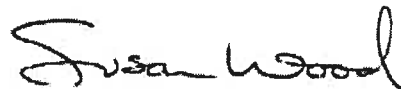
We urge you to confer with the DOE-EM sites about the value of citizen involvement as an integral part of the Commission's work. Relevant public involvement can be achieved in many ways. Options that we encourage you to consider are to establish a permanent subcommittee of citizens with ex-officio representation on the Commission, or that every subcommittee have a member of the public as a full participant.

Based on our experience, the full participation of interested public citizens would be an asset, not a deterrent, to achieving the goals of the charter.

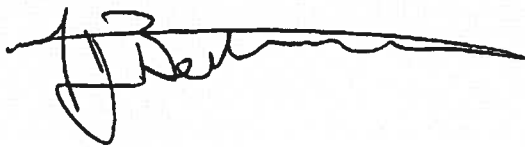
Sincerely,



Ben C. Rusche
Chair, SC Governor's Nuclear Advisory Council



Dr. Susan Wood
Chair, Citizens for Nuclear Technology
Awareness



Manuel Bettencourt
Chair, SRS Citizens Advisory Board

Page 3

Blue Ribbon Commission

Cc: Gov. Sanford
SC Congressional Delegation
Jeff Allison, DOE-SR
Jack Craig, DOE-SR
GNAC
SRS CAB